

EPA'S STATEMENT AT THE HAWAII PUBLIC HEARING  
FOR TRANSFER OF THE NPDES PERMIT PROGRAM

October 10, 1974

Mr. Molloy, members of the Hearing panel, I am William Pierce, Chief of the Permits Branch of the Enforcement Division, Environmental Protection Agency, Region IX, San Francisco.

The State of Hawaii, by letter to the Regional Administrator, dated May 14, 1974, requested approval for the Hawaii Department of Health to issue permits for point source discharges into waters of the United States, pursuant to the provisions of Section 402 of the Federal Water Pollution Control Act and guidelines promulgated thereto. The request followed submission to the Environmental Protection Agency of documents describing the proposed State program and the State's authority. By letter dated August 20, 1974, from the Acting Governor, an expanded program description was forwarded to the Environmental Protection Agency, Region IX.

The State permit program submission includes the following elements:

1. Organization charts of the State Department of Health;
2. A chart which outlines the actions taken over the course of initial application through to issuance or denial of the permit;

3. A description of:
  - a. Permit application and filing requirements and procedures;
  - b. Public Notice and participation procedures;
  - c. Monitoring, reporting, and recording procedures; and
  - d. Provision for the establishment of a permit program to control the disposal of pollutants into wells.
4. A description of the State's continuing planning process pursuant to Section 303(e) of the Federal Water Pollution Control Act. The State's continuing planning process was approved by the Regional Administrator by letter of July 18, 1973.
5. A statement, in the State regulations, which establishes the general prohibition upon discharges into State waters without first securing written approval from the Director of the Department of Health;
6. A summary of the manpower and funding which has been assigned for the purpose of administering the NPDES program;

7. A listing of the names of persons responsible for permit issuance together with a statement that the listed persons are in compliance with the DOH regulations regarding conflict of interest;
8. A certification by the Attorney General of the State of Hawaii that the laws and regulations of the State of Hawaii provide adequate authority to carry out a permit program in accord with the Federal Water Pollution Control Act;
9. A certification by the Attorney General of the State of Hawaii that no outstanding State permits are valid for purposes of the NPDES program and that all persons presently in possession of State permits must comply with NPDES application filing requirements;
10. Copies of applicable Hawaii Statutes and State Department of Health regulations.

We have examined the State's permit program description. On September 5, 1974, the State of Hawaii and the Administrator of the Environmental Protection Agency were advised that the Hawaii permit program <sup>submission</sup> ~~description~~ *a full and complete description in accord* ~~tion~~ was found to be ~~in compliance~~ with Agency instructions for such submissions. I submit this copy for the record.

Since receiving this request, the Regional Administrator and the Director of the State Department of Health have ~~been~~<sup>ed</sup> developing a Memorandum of Understanding between the Environmental Protection Agency and the State of Hawaii. *governing the operation of the NPOES program in Hawaii* I would like to submit a copy of the tentative agreement for the record of this hearing. *This tentative agreement has been available for public inspection prior to this hearing.*

A Notice of Public Hearing to consider the request of the State of Hawaii was published in six (6) newspapers in Hawaii for five consecutive days. Proof of publication was received from five (5) newspapers. I submit five (5) certifications for the record. In addition, the Environmental Protection Agency distributed copies of the Notice of Hearing to over 100 persons and organizations known to be interested. A copy of the Notice of Public Hearing is submitted for the record. *The notice of public hearing was also published in the Federal Register.* The Hawaii permit program description has been available for review, by interested persons, since September 10, 1974, at the Hawaii State Department of Health, 1250 Punchbowl Street, Honolulu, the Environmental Protection Agency Pacific Islands Basins Office, 1000 Bishop Street, Honolulu, and the Environmental Protection Agency Region IX office, 100 California Street, San Francisco.

The Regional Administrator, following a review of the comments and recommendations submitted at this hearing, will, as soon as possible and not later than October 29, 1974, forward his recommendations to the Administrator, including but not limited to:

1. An opinion of the Regional Counsel as to the existence of adequate authority under State law to administer a permit program which meets the requirements of Section 402(b) of the Federal Water Pollution Control Act;
2. An opinion as to whether or not the program conforms to Section 304(h)(2) guidelines;
3. A copy of the written agreement between the State of Hawaii and the Regional Administrator; and
4. Where, in the opinion of the Regional Administrator, the program does not satisfy the requirements of Section 402(b) of the Act or does not conform to the Section 304(h)(2) guidelines and any revisions or modifications necessary to conform to such requirements or guidelines.

This concludes my statement, Mr. Molloy.